

REMARKS

This application has been carefully considered in connection with the Examiner's Final Office Action dated April 21, 2006 and Advisory Action dated June 12, 2006.

By the Final Office Action of 04/21/2006, the Examiner rejected Claims 1-25 on various grounds discussed below.

By the Advisory Action of 06/12/2006, the Examiner did not enter claim amendments requested with a response filed on 05 June 2006.

Summary of Rejections

Claims 1-25 were pending at the time of the Final Office Action.

Claims 1-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Wallace* US Pat. 6,647,117 in view of *Gidwani* US Pat. 6,640,239.

The reasons for these rejections as stated in the Final Office Action are identical to the reasons given in the office action of 12/07/05 and need not be repeated here.

The Applicant submits that the arguments provided in the responses of 21 February 2006 and 05 June 2006 show that the rejections are improper and overcome all the grounds given for the rejections, and those arguments need not be repeated here.

Summary of Response

Claims 1, 3, 10, and 18 were amended.

Claims 2, 4, 6-9, 11-13, and 15-17 remain as originally submitted.

The Applicant requests amendments of claims 1, 3, 10, and 18 as shown in the listing of claims.

The Applicant respectfully traverses the rejections as they would apply to the claims as amended. Reconsideration is requested.

Remarks and Arguments are provided below.

Summary of Claims Pending

Claims 1-25 are currently pending following this response.

Response to arguments in Final Office Action:

The Examiner's response in the final office action to the Applicant's arguments indicates a misunderstanding of the Applicant's arguments and of the references. The proposed amendments to the claims are intended to clarify the meaning of the claims to avoid such misunderstanding as discussed below.

The Examiner characterized Applicant's argument as stating that "...Wallace does not provide batteries or other power backup to the CPE." The Examiner disagrees with this statement. Since it is clear that *Wallace* does not provide batteries, or any other power source, *in* the CPE for backup power, it is possible that the Examiner considers the conventional POTS line feed down the subscriber line to constitute backup power to the CPE. Applicant disagrees with this position for several reasons.

POTS power over the subscriber line is conventional primary power in conventional telephone systems. It is not considered backup power. The LTE, i.e. central office, that provides this power has essentially unlimited power available, as far

as the CPE is concerned, and there is no reason for notifying the customer that the LTE is providing power so that the customer can conserve energy. If there were such a need, then all customers operating on conventional POTS primary power from the central office would need to be so notified constantly. It is true that the POTS line power feed is limited in terms of power level to about one watt, but *Wallace* teaches a power reduction strategy that reduces consumption below this limit. Once consumption is reduced, the system can operate indefinitely, i.e. there is no backup power source that will deplete and no need for the user to take action to conserve power.

The Applicant did not argue that *Wallace* did not teach "other power backup to the CPE." Instead the Applicant's argument was that "*Wallace* does not provide batteries or other power backup *in* the CPE." As discussed above, essentially any external power source for CPE has effectively unlimited power and does not present the problem addressed by the present invention. It is backup power sources *in* the CPE which have limited capacity due to limitations on space, weight, cost, etc. inherent in equipment that is to be operated on a customer premises, e.g. in the Examiner's home. The *Wallace* reference itself describes the DC power down the subscriber line as an "external power source", col. 7, lines 29-31.

The claim amendments are intended to make it clear that a warning signal is given when the integrated services hub is operating with a limited source of power *in* the integrated services hub. In particular, the claims are amended to reference the battery, which is the backup power source *in* the integrated services hub. This is precisely the element that *Wallace* teaches is a problem in CPE and teaches should be avoided in CPE.

Response to arguments in Advisory Action:

In the advisory action, the Examiner noted that the Applicant still contends that *Wallace* does not provide batteries or other power backup in the CPE. The Examiner cited the paragraph repeated immediately above this paragraph.

The Examiner then disagreed with the Applicant's position on the basis that:

Wallace would not need to use battery (i.e. capacitors) to supply power for normal operation from the time power failure occurs until the point at which line powering becomes possible again (please see Examiners rejection made final especially Wallace column 7 lines 10-53).

The Examiner's stated reasons for disagreement appear to be consistent with and support the Applicant's position.

The Applicant agrees that *Wallace* does not have or need a backup battery in its CPE, i.e. customer premises equipment. *Wallace* specifically teaches that a backup battery in a CPE is not reliable and should be avoided. Instead *Wallace's* CPE changes from normal operation to low power operation in which only a small part of normal services are provided. It then operates on DC power supplied over the subscriber line from the LTE, i.e. the telephone company central office.

Wallace teaches that the capacitors (which are not the same as or equivalent to batteries) in the power supply of its CPE will maintain operation of the CPE "from the time of power fail, to the point at which line powering becomes possible." *Wallace* teaches that failure of the external mains, i.e. the external power feed, will be detected within a few cycles, i.e. a few cycles of the 60 cycle power and only a fraction of a second. *Wallace* teaches that on detection of the loss of power to the CPE, the CPE

switches into "a low-power mode, so that it operates from power that is supplied by DC feed down the subscriber line alone, without the need for support from any other external power source." The line powering *Wallace* teaches is the DC power provided over the telephone subscriber line labeled "Tip" and "Ring" in Fig. 1. It is not the external power feed at the CPE. The capacitors in the power supply keep the CPE operating for a fraction of a second while the CPE switches into low power mode.

The Examiner's statement indicates possible confusion between the external power feed and the line powering over the subscriber line. In particular, the Examiner's statement quoted above mentions "the point at which line powering becomes possible **again**". The use of the word "again" suggests that the Examiner reads this language from *Wallace* to mean when external power feed is restored. The Applicant submits that such reading is not correct as discussed above. Line power is always available in the *Wallace* system, but is capable of powering only a part of the CPE, which is the part that *Wallace* keeps operating in low power mode.

The amendments to the claims are intended to clearly state that the integrated services hub includes a backup battery that powers the hub when the AC power feed at the customer premises fails. It is clear that *Wallace* does not teach a backup battery in his CPE. *Wallace* has no reason to notify the user that the CPE is operating on the backup battery, because it does not have a backup battery and there is no action that the user can take to reduce power consumption in order to extend the life of the non-existent backup battery.

The Applicant submits that the proposed amendments are fully supported by the specification and consistent with arguments previously presented. They also obviate the Examiner's reasons for not finding the Applicant's arguments persuasive. Applicant requests entry of the amendments and allowance of the claims.

CONCLUSION

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Applicant respectfully submits that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,

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